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Attorney for the United States,

6 UNITED STATES DISTRICT COURT
7 DISTRICT OF NEVADA

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9 UNITED STATES OF AMERICA,

10 Plaintiff,

11 vs.

12 DEREK CRAIGBEENY,

13 Defendant.

Case No.: 2:17-mj-01207-NJK

STIPULATION TO CONTINUE
PRELIMINARY HEARING
(Second Request)

14 IT IS HEREBY STIPULATED AND AGREED, by and between Dayle Elieson, United
15 States Attorney, Frank Johan Coumou, Assistant United States Attorney, counsel for the United
16 States of America, and Rebecca Levy, Assistant Federal Public Defender, counsel for defendant
17 DEREK CRAIGBEENY, that the preliminary hearing date in the above-captioned matter,
18 currently scheduled for March 5, 2018, at 4:00 p.m., be vacated and continued for a period of
19 thirty (30) days to a date and time to be set by this Honorable Court.

20 This Stipulation is entered into for the following reasons:

21 1. The instant case involves three separate incidents and follow-up investigation by
22 the Las Vegas Metropolitan Police Department. The Government is obtaining discovery and
23 providing it to Defendant pre-indictment to assess and to evaluate the case. The additional time
24 will allow the parties to discuss the case and potential resolution in the interest of justice.

- 1 2. Defendant is incarcerated and does not object to a continuance.
- 2 3. The parties agree to the continuance.
- 3 4. The additional time requested herein is not sought for purposes of delay.
- 4 5. Additionally, denial of this request for continuance could result in a miscarriage
- 5 of justice.
- 6 6. The additional time requested by this stipulation is allowed, with the defendant's
- 7 consent, under the Federal Rules of Criminal Procedure 5.1 (d).
- 8 7. This is the second request to continue the preliminary hearing.

9 DATED this 1st day of March, 2018.

10 DAYLE ELLIESON
11 United States Attorney

RENE L. VALLADARES
Federal Public Defender

12 By: /s/ Frank J. Coumou
13 FRANK JOHAN COUMOU
14 Assistant United States Attorney

By: /s/ Rebecca Levy
REBECCA LEVY
Assistant Federal Public Defender
Attorney for Dereck Craigbeeny

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 -oOo-

4 UNITED STATES OF AMERICA,

5 Plaintiff,

6 vs.

7 DEREK CRAIGBEENY,

8 Defendant.

Case No.: 2:17-mj-01207-NJK

ORDER

9
10 FINDINGS OF FACT

11 Based on the pending Stipulation of counsel, and good cause appearing therefore, the
12 Court hereby finds that:

13 1. The parties have initiated discussions regarding the case pre-indictment and
14 discovery is being provided to the Defendant.

15 2. The parties agree to the continuance.

16 3. Defendant is incarcerated and does not object to the continuance through his
17 attorney.

18 4. Additionally, denial of this request for continuance could result in a miscarriage
19 of justice.

20 5. The additional time requested herein is not sought for purposes of delay, and good
21 cause is shown by the parties to continue the preliminary hearing.

22 6. The additional time requested by this stipulation is allowed, with the defendant's
23 consent, under the Federal Rules of Procedure 5.1 (d).

24 7. This is the second request to continue the preliminary hearing.

1 For all of the above-stated reasons, the ends of justice would best be served by a
2 continuance of the preliminary hearing date.

3 CONCLUSIONS OF LAW

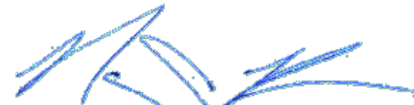
4 The ends of justice served by granting said continuance outweigh the best interest of the
5 public and the defendant, since the failure to grant said continuance would be likely to result in a
6 miscarriage of justice, would deny the parties herein to assess the case prior to indictment, and
7 further would deny the parties sufficient time and the opportunity within which to be able to
8 effectively and thoroughly prepare for the preliminary hearing, taking into account the exercise
9 of due diligence.

10 The continuance sought herein is allowed, with the defendant's consent pursuant to
11 Federal Rules of Procedure 5.1(d).

12 ORDER

13 IT IS THEREFORE ORDERED that the preliminary hearing currently scheduled for
14 March 5, 2018 at the hour of 4:00 p.m. be vacated and continued to April 10, 2018,
15 at 4:00 p.m., in Courtroom 3A.

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17 DATED this 1st day of March, 2018.

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20 THE HONORABLE NANCY J. KOPPE
21 UNITED STATES MAGISTRATE JUDGE
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